

JUDGE GARDEPHE

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

CV 5865

JULIA DOZIER

Plaintiff,

vs.

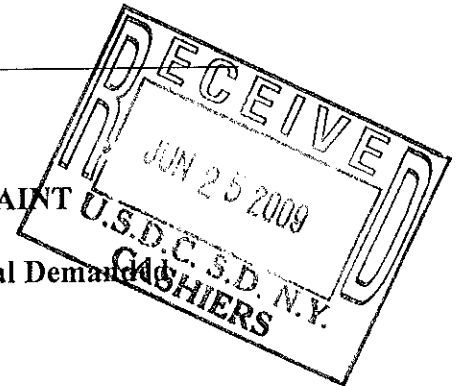
NCO FINANCIAL SYSTEMS, INC.

Defendant.

Case No. \_\_\_\_\_

COMPLAINT

Jury Trial Demand



PLAINTIFF, JULIA DOZIER ("Plaintiff"), by and through the undersigned attorney, files this Complaint against DEFENDANT, NCO FINANCIAL SYSTEMS, INC. ("Defendant"), and alleges as follows:

**I. INTRODUCTION**

1. This is an action for damages brought by an individual consumer for Defendant's violations of the following provisions, resulting from abusive behavior against Plaintiff in the course of Defendant's attempt to collect a debt:

(1) The Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA").

**II. JURISDICTION**

2. The FDCPA claim arises under 15 U.S.C. § 1692k(d), and therefore involves a "federal question" pursuant to 28 USC § 1331.

**III. PARTIES**

3. Plaintiff, JULIA DOZIER ("Plaintiff"), is a natural person residing in Bronx County, New York.

4. Defendant, NCO FINANCIAL SYSTEMS, INC., (“Defendant”) is a corporation engaged in the business of collecting debts by use of the mails and telephone, and Defendant regularly attempts to collect debts alleged to be due another.

#### IV. FACTUAL ALLEGATIONS

5. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).
6. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3).
7. All activities of Defendant set out herein were undertaken in connection with the collection of a “debt,” as defined by 15 USC § 1692a(5).
8. Within the last year, Defendant contacted Plaintiff by telephone in an attempt to collect an alleged outstanding debt. During that telephone conversation, Defendant performed the following acts, which amount to violations under various federal and state laws:
  - i. Falsely representing the character, amount, or legal status of Plaintiff’s debt, including Defendant failing to account for the grossly inflated amount(s) sought to be collected by the Defendant and stating to Plaintiff that their collection efforts were immune to the applicable statute of limitations (§ 1692e(2)(A));
  - ii. Communicating with Plaintiff after having received a letter from Plaintiff with a request to cease and desist all collection contacts or a statement that Plaintiff refuses to pay the debt (§ 1692c(c));

13. To the extent Defendant's actions, detailed above, were carried out by an employee of Defendant, that employee was acting within the scope of his or her employment.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages pursuant to 15 USC 1692k;
- C. Statutory damages pursuant to 15 U.S.C. § 1692k;
- D. Costs, disbursements and reasonable attorney's fees for all successful claims, and any unsuccessful claims arising out of the same transaction or occurrence as the successful claims, pursuant to 15 U.S.C. § 1692k; and,
- E. For such other and further relief as may be just and proper.

This 17<sup>th</sup> day of June, 2009.

ATTORNEYS FOR PLAINTIFF  
*JULIA DOZIER*

Respectfully submitted,



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***PLEASE SEND ALL CORRESPONDENCE TO:***

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